

REMARKS

Status of the Claims

- Claims 1, 3-12, 14-17 and 20-26 are pending in the Application.
- Claims 1, 3-12, 14-17 and 20-26 are rejected by the Examiner.
- Claim 12 is amended by Applicants.

Claim Rejections Pursuant to 35 U.S.C. §103 (a)

Claims 1, 5, 8, 16-17, 23-24 and 26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Story, Jr. et al. (U.S. Publ No. US 2002/0046181 A1) in view of Benson et al. (U.S. Patent No. 6,678,665 B1) and Hurtado et al. (U.S. Patent No. 6,418,421 B1) and in further view of Biddle et al. (U.S Patent Publication No. US 2002/0107809 A1). Applicants respectfully traverse the rejection.

Claim 1 recites:

A method of enabling the use of a digital license on a plurality of devices, said digital license permitting the use of a content item and being bound to a first of said plurality of devices by a first key pair associated with said first device, said method comprising:
receiving a first digital license from said first device, said first digital license associated with a first expiration date;
receiving a second key pair associated with a second of said plurality of devices, said second key pair being different from said first key pair;
creating a second digital license bound to said second device using said second key pair, ***said second digital license being based on said first digital license***, wherein said second digital license is set to expire prior to said first expiration date on a second expiration date and wherein failure of said second device to contact a license synchronization server prior to said second expiration date results in removal of said second device from a registration store on said license synchronization server; and
transmitting said second digital license to said second device.

The Examiner states that Story et al. Does not explicitly teach said second digital license being based on said first digital license (Office Action dated 10/18/2005, page 3). Applicants agree. Applicants disagree that Benson at Col. 11, lines 66- col. 12 lines 23, teaches second digital license being based on said first digital license.

The Examiner explains that Benson teaches generating a public and private key pair and the first key pair is associated with the second key pair (Office action , page 3).

Benson et al. discloses that:

“The first key pair AS.sub.1 [asymmetric sub 1] is associated with second key pair's AS.sub.2 **if and only if**[,] given no information other than the first key pair's AS.sub.1, public key and the second key pair's AS.sub.2 public key, it is computationally feasible to discover that first key pair AS.sub.1 is AAD [Associated Assuming Disclosure] associated with AS.sub.2 or that the first key pair AS.sub.1 is at least AAN [Associated Assuming Nondisclosure] associated with AS.sub.2.” (Benson, col. 12 lines 17-23)

The Examiner states:

“Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Benson with the system of Story because it would allow *to locate a certificate that holds the associated digital signature public keying material* and then the *software vendor may potentially execute some administrative action* (Benson Col. 12 lines 24-37). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply the teachings of Benson with the system of Story because it would *locate the first digital license and provide service to a user to render the digital content on different computer devices* without purchasing a duplicate license” (Office Action pages 3-4).

Applicants strongly disagree.

First, Applicants note that the element in Claim 1 addressed by the Examiner is:

“said second digital license being based on said first digital license”

The Examiner has found that Benson et al. teaches that a **first encryption key** is associated with a **second encryption key** IF and ONLY IF ...it is computationally feasible to discover that first key pair AS.sub.1 is AAD associated with AS.sub.2 or that the first key pair AS.sub.1 is at least AAN associated with AS.sub.2.

Applicants note that encryption keys are not recited in the element “*said second digital license being based on said first digital license*” of Claim 1.

Applicants also note that Claim 1 does not involve any of the hard limitations expressed in Benson et al. such as an asymmetric (AS) key pair 1 being Associated Assuming Disclosure (AAD) associated with asymmetric (AS) key pair 2 or that the first asymmetric key (AS) pair 1 key pair is at least Associated Assuming Nondisclosure (AAN) associated with (AS) key pair 2 as mandated by Benson et al. However, the Examiner reasons that, the key pairs could be used to locate a certificate. (Office Action, Page 3). (Applicants

respectfully notice that the mandated and explicit limitations on key pair associations taught in Benson et al. are ignored in the rejection and do not apply to Claim 1.)

Applicants note that a certificate is not recited in the element "*said second digital license being based on said first digital license*" of Claim 1.

Once locating a certificate, the Examiner continues to reason that the certificate would hold a digital signature public keying material. (Office Action, Page 3).

Applicants note that digital signature public keying material is not recited in the element "*said second digital license being based on said first digital license*" of Claim 1.

Once having digital signature public keying material, The Examiner continues to reason that the software vendor *may potentially* execute some administrative action. (Office Action, Page 3).

Applicants note that Benson et al. at col. 12 lines 32-34 recites 'potentially executing some administrative action.' But, this action by a software vendor is completely unspecified in Benson et al. Also, Applicants note that some unspecified administrative action is not recited in the element "*said second digital license being based on said first digital license*" of Claim 1.

Applicants also note that a software vendor (an organization or a person) is specified as the entity that takes the unspecified administrative action. Applicants further note that a software vendor is not recited in the element "*said second digital license being based on said first digital license*" of Claim 1.

The Examiner continues to reason that once an administrative action may potentially be executed by a software vendor, then it would have been obvious to locate the first digital license and provide service to a user to render the digital content. (Office Action, Page 3).

Applicants note that locating the first digital license to provide a service to a user is not recited in the element "*said second digital license being based on said first digital license*" of Claim 1.

Applicants respectfully submit that the Examiner has failed to reasonably address the element *said second digital license being based on said first digital license*" of Claim 1. Simply, the Examiner's construction of finding asymmetric keys to find a certificate to get a digital signature public key material to getting a software vendor to potentially take an unspecified administrative action to locate a first digital license does not address any of the

elements of the phrase “*said second digital license being based on said first digital license*” of Claim 1.

Accordingly, Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness for Claim 1 per 35 U.S.C §103(a) (See MPEP 706.02(j)) because all elements are not found in the cited art. Applicants note that neither Story, Jr. et al. nor Benson et al. nor Hurtado et al. nor Biddle et al. considered either alone or combined are cited as teaching at least the element of “*said second digital license being based on said first digital license*”. Applicants respectfully traverse the Examiners contention that the phrase *said second digital license being based on said first digital license* may be found by using asymmetric keys to find a certificate to get a digital signature public key material and getting a software vendor to potentially take an unspecified administrative action to locate a first digital license. The traversal is based, in part on the fact that Claims 1 does not even recite any of a certificate, a digital signature public key material, a software vendor, and an unspecified potential administrative action. Accordingly, the combination of Story, Jr. et al., Benson et al., Hurtado et al. and Biddle et al. cannot render obvious Claim 1 because all elements are not present in the references.

Applicants respectfully request withdrawal of the 35 USC §103(a) rejection of Claim 1 and its dependent Claims 3-11 because they patentably define over the cited art.

Likewise, Applicants note that Claims 17 and 24 recite *said second digital license being based on said first digital license* as in Claim 1. Accordingly, Applicants respectfully request withdrawal of the 35 USC §103(a) rejections of Claims 17 and 24 and its dependent Claims 20-23 and Claims 25-26 because they too patentably define over the cited art.

Applicants amend Claim 12 to recite *said second digital license being based on said first digital license*. Accordingly, Applicants respectfully traverse the 35 USC §103(a) rejection of Claim 12 and its dependent Claims 14-16 according to the reasoning presented as to Claim 1 above.

Claims 2-4, 6-7, 9-15, 18-22 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Story, Jr. et al. in view of Benson et al. and further in view of Yang et al. (Publ. No. US 2002/0194008 A1) and Hurtado et al.

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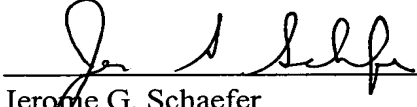
Applicants respectfully submit that Claims 2-4, 6-7, 9-11, 18-22 and 25 are allowable as depending from allowable Claims 1, 17 and 24, as discussed above. Yang et al. does not cure the deficiencies of Story et al., Benson et al., Hurtado et al. and Biddle et al. to teach or suggest at least "*said second digital license being based on said first digital license.*"

Conclusion

Applicants respectfully request reconsideration of all pending claims in light of the arguments and amendments discussed above. Applicants respectfully request a Notice of Allowance for all pending claims as they patentably define over the cited art.

Respectfully Submitted,

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Jerome G. Schaefer
Registration No. 50,800

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439